

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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BALTIMORE, MARYLAND 21201
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September 19, 2016

MEMO TO COUNSEL RE: Robert Dashiell v. Jonathan Oliver, et al.
Civil No. JFM-15-2437

Dear Counsel:

I have reviewed the memoranda submitted in connection with your respective motions for summary judgment.

Defendant's motion (document 18) is granted in part and denied in part. It is granted as to any claim for false arrest under 42 U.S.C. §1983. Plaintiff's convictions in the Circuit Court for Wicomico County establish probable cause for plaintiff's arrest. Moreover, it is undisputed that defendant Oliver was not the officer who arrested plaintiff. Plaintiff's motion for summary judgment is denied as to Officer Oliver's alleged use of excessive force. Officer Oliver's punching of plaintiff is not on the videotape, and a question of fact exists as to whether it was reasonable under the circumstances.

Plaintiff's cross-motion for summary judgment (document 19) is denied. As previously stated, a question of fact exists as to the reasonableness of the search exercised by Officer Oliver.

A conference call will be held on October 4, 2016 at 4:30 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz
United States District Judge

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U.S. DISTRICT COURT
BALTIMORE, MD